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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,247	Applicant(s) MEADE, WILLIAM K.	
	Examiner MINH D. DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-21, 23, 24 and 26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 22, 27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2, 3, 4</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant's election without traverse of claims 1-21 and 23-26 in the reply filed on 12/27/2004 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,4,5,8,9,20,21,23,26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopresti (US 5,889,506).

Regarding claim 1, Lopresti teaches a method of controlling an appliance comprising: establishing a wireless communication link between the appliance and a mobile computing device (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38); and controlling the appliance with the mobile computing device including at least one of selectively determining an available content for the appliance, selecting the content used by the appliance, and applying an user preference to the appliance.

Regarding claim 4, Lopresti teaches the method of claim 1 wherein selecting the content used by the appliance further comprises: selecting at least one of an audio

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station from an audio station list, an audio song from a memory of the mobile computing device, a TV program from a memory of the mobile computing device, and a TV station on a video device (see col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 5, Lopresti teaches the method of claim 1 and further comprising: providing a plurality of appliances with the appliance being one of the plurality of appliances; and controlling the appliances with the mobile computing device including determining which appliances to control (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 8, Lopresti teaches a method of selecting content for an appliance comprising: providing a mobile computing device with at least one of an audio monitor including audio-based content selections, a video monitor including video-based content selections, a data monitor including data-based content selections, a communication monitor including telecommunication selections, and an internet monitor including internet selections; and selecting content with the mobile computing device from at least one of the audio monitor, the video monitor, the data monitor, the communication monitor, and the internet monitor (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 9, Lopresti teaches the method of claim 8 wherein and further comprising at least one of: providing the audio monitor to include at least one of an

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audio station selection list, an audio song selection list, an audio program selection list, and an audio file selection list; providing the video monitor to include at least one of a television network station selection list, a television program selection list, a program recorder with a play selection list and a program list; providing the data monitor to include at least one of a document selection list, an editor activator, a virtual disc drive selector, and a document scanner receiver selector; providing the communications monitor to include at least one of a phone book selection, a call list selection, an address book selection, a land/cell switcher selection, a fax selection; and providing the internet monitor to include at least one of a browser favorites selection list and a cookies selection list (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 20, Lopresti teaches a computing system comprising: a computing workstation including: a wireless communicator; a storage media selector configured for selecting a memory destination that is at least one of unrestricted access and external only access (see fig. 4, item 20; col. 5, lines 38-64); and a mobile computing device including: a wireless communicator; and a memory configured for storing data files and including a virtual disc drive monitor configured for using the mobile computing device substantially the same as an internal hard drive of the computing workstation (see figs. 1, 2 and 4, item 24).

Regarding claim 21, the claim has the limitations as that of claim 20, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 20.

Regarding claim 23, Lopresti teaches a computer-readable medium having computer-executable instructions for performing a method of controlling an appliance, the method comprising: establishing a wireless communication link between the appliance and a mobile computing device; and controlling the appliance with the mobile computing device including at least one of selectively determining an available content for the appliance, selecting the content used by the appliance, and applying an user preference to the appliance (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38; col. 6, lines 17-36).

Regarding claim 26, Lopresti teaches a computer-readable medium having computer-executable instructions for performing a method of selecting content for an appliance, the method comprising: providing a mobile computing device with at least one of an audio monitor including audio-based content selections, a video monitor including video-based content selections, a data monitor including data-based content selections, a communication monitor including telecommunication selections, and an internet monitor including internet selections (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38); and selecting content from at least one of the audio monitor, the videomonitor, the data monitor, the communication monitor, and the internet monitor (see figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38), wherein the method further comprises: providing the audio monitor to include at least one of an audio station selection list, an audio song selection list, an audio program selection list, and an audio file selection list (see fig. 14;

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col. 9, lines 63-67; col. 10, lines 1-5); providing the video monitor to include at least one of a television network station selection list, a television program selection list, a program recorder with a play selection list and a prop-am list (see figs. 10-12; col. 9, lines 10-61); providing the data monitor to include at least one of a document selection list, an editor activator, a virtual disc drive selector, and a document scanner receiver selector (see col. 10, lines 44-54); providing the communications monitor to include at least one of a phone book selection, a call list selection, an address book selection, a land/cell switcher selection, a fax selection (since the Remote Unit 24 of Lopresti can be a PDA, it should inherently include a call list that is available to users); and providing the internet monitor to include at least one of a browser favorites selection list and a cookies selection list (see col. 10, lines 55-61).

2. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (US 2002/0033760 A1).

Regarding claim 10, Kobayashi teaches A method of controlling household appliances comprising: wirelessly establishing communication between a mobile computing device and a household appliance including at least one of a thermostat, a beverage maker, an alarm, and a lighting device; and selectively activating and controlling the household appliances with the mobile computing device (see figs. 1 and 2; sections [0010-0013]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,7,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti (US 5,889,506) in view of Freeman (US 5,579,239).

Regarding claim 2, Lopresti, as mentioned above, teaches the limitations of claim 1 but fails to disclose controlling determining the available content comprises: supplying to the appliance a copy of at least one of a movie, a TV program, an audio song, an audio program, and an audio file. This limitation is taught by Freeman in an analogous art (see fig. 1, the abstract, and col. 2, lines 40-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Freeman to Lopresti in order to transmit audio/video files for immediate broadcast over RF or cellular frequency (see Freeman, col. 2, lines 35-39).

Regarding claim 7, the claim has the limitations as that of claims 1 and 2, and therefore is interpreted and rejected for the same reason set forth in the rejections of claims 1 and 2.

Regarding claim 24, the claim has the limitations as that of claim 2, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

4. Claims 3,6, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti (US 5,889,506) in view of Devara (US 6,813,619).

Regarding claim 3, Lopresti, as mentioned above, teaches the limitations of claim 1 but fails to disclose that wherein in controlling the appliance, applying the user preference further comprises: supplying to the appliance the user preference including at least one of an audio station selection list, an audio program selection list, a TV program selection list, an auto-activation selection list, a volume selection, and an auto-printing selection list. Devara, in an analogous art teaches this limitation (see figs. 1 and 2A; col. 1, lines 55-64; col. 2, lines 18-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Devara to Lopresti in order to selectively control the operation of the electronic device to provide the personal preferences of the user as taught by Devara (see col. 2, lines 18-25).

Regarding claim 6, the combination of Lopresti and Devara teaches a method of controlling an appliance comprising: wirelessly exchanging user preference information between a mobile computing device and an appliance; operating the appliance with the

mobile computing device based on the user preference information (see Devara, figs. 1 and 2A; col. 1, lines 55-64; col. 2, lines 18-25).

Regarding claim 11, the combination of Lopresti and Devara teaches a method of controlling appliances comprising: establishing wireless communication between a mobile computing device and an appliance (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38); automatically applying an user preference of the mobile computing device to the appliance (see Devara; col. 4, lines 38-61); automatically requesting the appliance to perform a task using a preferred content that is at least one of a content available through the appliance and a content supplied from the mobile computing device to the appliance; and observing the appliance perform the requested task using the applied user preferences (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 12, the combination of Lopresti and Devara teaches an appliance control system comprising a mobile computing device configured for controlling an appliance including selectively determining an available content for the appliance (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38), selecting the content used by the appliance, and applying an user preference to the appliance (see Devara; col. 4, lines 38-61).

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Regarding claim 13, the combination of Lopresti and Devara teaches the system of claim 12 wherein the mobile computing device comprises: a memory including at least one of an internal disc drive and, a silicon based storage device optionally including an atomic resolution storage device (see Devara, col. 4, lines 19-26).

Regarding claim 14, the combination of Lopresti and Devara teaches the system of claim 13 and further comprising: a network communication link; and a web site including an application service provider configured to supply content suitable for performing a task on the appliance and configured to store the content on the mobile computing device via wireless exchange through the network communication link (see Lopresti, col. 10, lines 55-61).

Regarding claim 15, the combination of Lopresti and Devara teaches the system of claim 12 wherein the mobile computing device comprises at least one of a personal digital assistant, a mobile phone, a portable audio file player, and a handheld computer (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 16, the combination of Lopresti and Devara teaches the system of claim 12 wherein the appliance for which the mobile computing device is configured to control comprises at least one of a video device, an audio device, a mobile phone, a multifunction printer, a web site, a thermostat, an alarm clock, a beverage maker, and a lighting unit (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38).

Regarding claim 17, the combination of Lopresti and Devara teaches an appliance control system comprising: a mobile computing device (see Devara, col. 3, lines 51-61) including: a controller (see Devara, fig. 2A, item 2A); a memory configured for storing content and user preferences (see Devara, col. 3, lines 51-61); a wireless communicator configured for wireless communication with an appliance (see fig. 2A); a display with a user interface (see fig. 2B, item 17); and an appliance content selector configured for selecting content to be performed by an appliance (see Lopresti, fig. 5, items 77, 79).

Regarding claim 18, the combination of Lopresti and Devara teaches the appliance control system of claim 17 and further comprising: at least one of: an audio device configured for wireless communication with the mobile computing device and configured for operative control by the mobile computing device, the audio device including:

a receiver;

a station selector;

a song search function;

a media player;

a memory; and

a wireless communicator (see Lopresti, figs. 1, 2 and 4; col. 5, lines 38-64; col. 2, lines 20-38). The system of Lopresti in fig. 4 disclose a VCR and Laser Disc that would obviously include all of the limitation as claimed above; and a video device configured

for wireless communication with the mobile computing device and configured for operative control by the mobile computing device, the video device including:

a program receiver;

a memory;

a wireless communicator;

a program recorder; and

a media player.

Regarding claim 19, the combination of Lopresti and Devara teaches the appliance control system of claim 17 wherein the mobile computing device further comprises: an embedded web server configured for producing a web page representing the mobile computing device including at least one of an user preference list and an user preference database, and the web page optionally representing a transitivity of preferences across appliances (see Devara, col. 4, lines 19-38).

Allowable Subject Matter

5. Claim 25 is allowed.

6. The following is an examiner's statement of reasons for allowance:

7. Regarding claim 25, the closest art of record are: Lopresti (US 5,889,506) in view of Devara (US 6,813,619). The combination of the teachings of Lopresti and Devara

teaches A computer-readable medium having computer-executable instructions for performing a method of setting and applying user preferences for controlling an appliance with a mobile computing device, the method comprising: automatically performing select tasks with the appliances with at least one of the following user-determined functions: volume level, lighting level, file interactions and file transfers, appliance auto-activation, and default media selections including default program and default station lists. However, Lopresti and Devara fail to teach grouping the appliances, to carry substantially the same user preferences, by at least one of an appliance location, an appliance type and custom criteria; and entering the user preferences for storage in the mobile computing device from at least one of computer workstation and another appliance via a web page of an embedded web server of the mobile computing device.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2682
June 6, 2005


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